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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,042	02/20/2004	Markus Forsthuber	22779	6823

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THE FIRM OF KARL F ROSS
5676 RIVERDALE AVENUE
PO BOX 900
RIVERDALE (BRONX), NY 10471-0900

EXAMINER

BERGIN, JAMES S

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,042

Applicant(s)

FORSTHUBER ET AL.

Examiner

James S. Bergin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Austria on 02/26/2003. It is noted, however, that applicant has not filed a certified copy of the Austria A283/2003 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*a resistance strip on said base body and extending from one side of said base body to an opposite side thereof*" must be shown or the feature(s) canceled from the claim(s). See the 35 USC § 112 section below. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 4, 5, "*a resistance strip on said base body and extending from one side of said base body to an opposite side thereof*" is confusing in view of applicants' figures 2-5. In figures 2-5, the resistance strip does not extend from one side of the base body to the opposite side of the base body. In fact, as depicted, the resistance strip does not extend as far as either of the sides of the base body.

In claims 3 and 4, the limitation "*contact strips*" lacks a proper antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. All of the following rejections are made in as much as the claims can be understood due to the indefiniteness discussed above.

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7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baginski (US 5,847,309).

Regarding claim 1, Baginski discloses a heating element 50 (figs. 5A & 5B; col. 6, line 34 to col. 7, line 7) for igniting a pyrotechnical charge comprising: a base body consisting of layers 53, 52; a resistance strip 54₁, 54₂ on the base body and extending from one side of the base body to an opposite side thereof; respective contact surfaces formed on said base at each of said sides and making electrical contact with the resistance strip 54₁, 54₂ at each side; and respective conductive elements 55₁ and 55₂ electrically connecting each of said contact surfaces with an electrical terminal (col. 7, lines 6-7), each of said conductive elements 55₁ and 55₂ contacting the respective contact surface at a location offset from a location at which the resistance strip 54₁, 54₂ contacts said respective contact surface.

Regarding claim 2, Baginski's heating element comprises one of said conductive elements conductive elements 55₁ and 55₂ contacts the respective contact surface at a location offset from a location at which the resistance strip 54₁, 54₂ contacts said respective contact surface at one of said sides in a direction opposite from that at which the other of said conductive elements is offset from a location at which the resistance strip contacts the other of said contact surfaces.

Regarding claim 3, the resistance strip 54₁, 54₂ of Baginski's heating element extends in a meander pattern between said contact strips (fig. 5A).

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 39 18 408 A (Spies et al.).

Spies et al. disclose an electric bridge initiator fuse that clearly anticipates the applicants' claimed invention of claims 1-3. See especially fig. 3; col. 2, lines 33 – 61; col. 4, lines 15-18.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Menichelli (US 3,753,403).

Menichelli discloses an electric bridge initiator that clearly anticipates the applicants' claimed invention of claims 1 and 2. See especially fig. 2; and col. 3, line 40-67.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Duguet (US 6,408,758 B1).

Duguet discloses a pyrotechnic initiator that clearly anticipates the applicants' claimed invention of claims 1 and 2. See especially fig. 2; and col. 4, lines 4-17; col. 4, lines 53-63.

11. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hartman et al. (US 5,179,248).

Hartman et al. disclose a semiconductor explosive bridge that clearly anticipates the applicants' claimed invention of claim 1. See especially fig. 2; col. 2, lines 26-57.

12. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 37 02 241 C1 (Spies et al.)

Spies et al. disclose an electrically ignitable bridge detonator that clearly anticipates the applicants' claimed invention of claims 1 and 2. See especially fig. 2.

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13. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 196 29 009 (Baginski).

Baginski discloses an electric detonator that clearly anticipates the applicants' claimed invention of claims 1-3. See especially fig. 5A.

14. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Baginski et al. (US 6,772,692 B2).

Baginski et al. disclose a semiconductor bridge that clearly anticipates the applicants' claimed invention of claims 1, 2 and 4. See especially fig. 1 and 3.

15. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baginski (US 6,192,802 B1).

Baginski discloses an electric-explosive device that clearly anticipates the applicants' claimed invention of claims 1-4. See especially fig. 5A and 9.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cieplik et al. (US 6,269,745 B1) and Lee (US 3,974,424).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

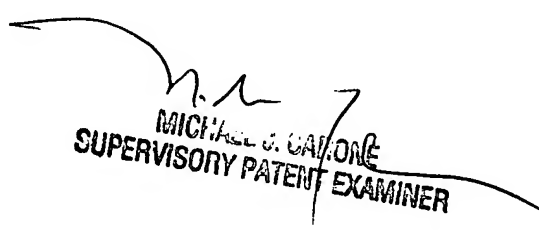
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James S. Bergin



MICHAEL S. CANONE
SUPERVISORY PATENT EXAMINER